

Additional Response to Question Raised by Secretary of State

by Michael L. Raisch, CPA and Colorado Institute for Fair Elections

In my verbal comments before the Secretary of State's (**SoS**) election rulemaking hearing on August 15, 2024, I emphasized the importance of providing the Canvas Board (**CB**) access to the additional information enabling them to meet their required statutory duties under CRS § 1-10-101.5. This additional information would be available to them by expanding the scope of the work done as part of the Risk Limiting Audit, which is performed by the county Audit Board.

During my short time at the podium, there was a question asked by the **SoS's** panel regarding my thoughts on the certification process. The comment essentially mentioned that there is a conversation in election circles today claiming that the certification process is merely "ceremonial" and a "ministerial" function. I would now like to respond after giving this question much thought since then.

Thinking of the **CB** certification as a ceremonial or minor administrative function could not be further from the truth! Having people trust the election process is at the very foundation of the democratic process. This trust is built on good election processes, transparency of source documents, protecting individual voter privacy, and the certification by both political parties that the process was done correctly. Colorado is known as the "gold standard" for election quality, and to diminish the role of the **CB** would be a giant step backwards. I assume the motivation for neutering the **CB** duties is not a sinister one, but instead is intended to quiet any **CB** members whose motivation for denial of certification is not grounded in valid reasons. Believe me, our interest is not to protect such behavior.

We are supportive of **SoS's** efforts to educate (which is our stated mission) **CB** board members to not pursue such tactics. In fact, the reasons behind our recommended changes, on their own, may be valid reasons to not certify elections, which would negate the need to site reasons which are outside the required duties enumerated under CRS § 1-10-101-5. If **CB** members have legitimate concerns for issues that are outside the bounds of the **CB** process, they should be encouraged to deal with them appropriately as separate issues to get them resolved.

We believe the universal goal here is to have all parties trust the elections by having **CB** members certify the results as being accurate. We also believe that success here will help remove some of the tension that exists in the political world today. Will it remove 100% of the tension? No. There will always be skeptics, but it is rare to find perfection in any human endeavor, especially elections. We do believe the voting public is smart enough to distinguish between those **CB** members who are genuine in their certification attitudes and those distorting the facts for political purposes.

The changes we have suggested will encourage **CB** members to certify elections where appropriate. To take the approach of diminishing the role of the **CB** may reduce a few dissident voices but will result in significant damage to the democratic process for millions of people in Colorado. This is a price that is way too heavy to pay.

Thank you for asking such an inciteful question during my verbal comments and allowing me a few days to think about my response and present it here.